

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

FRANK MILO UJAZDOWSKI,

Petitioner,

v.

C. HOLINKA, Warden,
FCI Oxford, Wisconsin; and
FEDERAL BUREAU OF PRISONS,

Respondents.

ORDER

08-cv-102-bbc

Petitioner Frank Ujzdowski brought this case under 28 U.S.C. § 2241, challenging respondents' refusal to consider him for transfer to a halfway house until the last ten percent of his sentence. In an order dated February 25, 2008, I told him that his claim was not cognizable under 28 U.S.C. § 2241 because success on his claim would not require his immediate or speedier release from confinement. Although I noted that petitioner could bring his claim under the Administrative Procedures Act, I could not convert the case without express authorization from him. I gave petitioner until March 7, 2008, in which to inform the court whether he wants this court to treat his pleading as a petition for a writ of habeas corpus pursuant to § 2241 or as a complaint in a civil action under the

Administrative Procedures Act. I told petitioner that if he failed to respond to the February 25 order by March 7, I would be forced to treat his action as a habeas corpus action and dismiss his case. Petitioner has not filed a response to the February 25 order. Accordingly, IT IS ORDERED that petitioner's petition for a writ of habeas corpus under 28 U.S.C. § 2241 is DENIED and this case is DISMISSED.

Entered this 26th day of March, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge